

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: :  
: Case No.  
FOSAMAX PRODUCTS LIABILITY :  
LITIGATION : 1:06-MD-1789 (JFK)  
:  
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:  
This Document Relates to: :  
: **SUGGESTION OF DEATH**  
BEN JACKSON v. NOVARTIS :  
PHARMACEUTICALS CORPORATION and :  
MERCK & CO., INC. X  
[Case No. 3:07-cv-02958]  
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Counsel for plaintiff in the above-referenced action, hereby give notice of the death of plaintiff Ben Jackson. Ben Jackson passed away at 2:45 p.m. on May 7, 2007 due to Metastatic Prostate Cancer.

In accordance with the Case Management Order entered in this case and Rule 25(a) of the Federal Rules of Civil procedure, Deborah Jackson, the personal representative of Ben Jackson's estate, will be substituted in this action so that Ben Jackson's claims survive and the action on his behalf may proceed.

Dated: New York, New York  
August 23, 2007

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*Attorneys for Plaintiff*  
Ben Jackson

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd day of August, 2007, a true and correct copy of the foregoing Suggestion of Death filed on Behalf of Plaintiff Ben Jackson, will be served via electronic transmission to those persons identified as attorneys of record who are ECF registrants.

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/S/  
Russel H. Beatie